

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3647 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRAGATI EDUCATION TRUST

Versus

STATE OF GUJARAT

Appearance:

MR BHARAT T RAO for Petitioner

MR RM DESAI for Respondent No. 1 to 3

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/11/96

ORAL JUDGEMENT

Rule. Mr. Roshan Desai, learned Addl. Government
Solicitor waives service of notice of rule for the
respondents nos. 1 to 3.

2. By way of this petition the petitioner Pragati
Education Trust has challenged the impugned action on the
part of the Government of not granting approval to the

resolution with regard to the extension in service granted to the respondent no. 4, Principal of the school, till reaching the age of 60 years erroneously relying on the provisions of sec. 36(1) of the Gujarat Secondary Education Act.

3. learned advocate for the petitioner submits that the controversy involved in this special civil application has been settled by the decision rendered by this Court in the judgment dated 22/1/1993 in Special Civil Application No. 8379 of 1990 (Annexure-C to the petition). Considering various provisions, this Court held that minority institution to which certain provisions of the Act and the Regulations do not apply may grant extension to the teacher provided he is physically and mentally fit.

4. In view of what is stated above, the petitioner's representations Annexures A, B and C shall be considered by the respondent Government in the light of the observations made in this order as also the decision referred to hereinabove and take a decision within a period of two months from the date of receipt of writ of this direction. Rule is made absolute only to the aforesaid extent with no order as to cost. D.S.P.

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